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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

1756
#6 election 9/25/03

In re the Application of:

Shinji OGAWA et al

Group Art Unit: 1756

Serial No.: 10/030,185

Examiner: Shean Chiu WU

Filed: February 1, 2002

P.T.O. Confirmation No.: 4390

For: FUSED RING COMPOUND

RESPONSE TO ELECTION OF SPECIES REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

September 22, 2003

Sir:

This is in response to the Office Action of August 22, 2003, requiring election among various species of the subject invention under the provisions of 35 USC § 121.

In the Office Action, it was indicated that claim 1 was generic to a number of species of the invention as disclosed in the specification. It was therefore required that applicants elect a single disclosed species for prosecution on the merits to which the claims shall be restricted in the event the generic claim was not found to be allowable. Specifically, applicant was to elect a single species including all notations (R, Xs, Y, ring B and/or if any m, n and rings A and C). It was further required that applicants state the claims which read on the elected species.

Applicants hereby elects the species of Formula (I) in claim 1, wherein R is a propyl group, Y is a fluorine atom, L² is a single bond, m is 0, n is 1, ring B is represented by 1-4

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and ring C is a 3,5-difluoro-1,4-phenylene group (the compound of Example 17) for prosecution on the merits in the event the generic claim is not found to be allowable. From a review of the specification and claims, it would appear that the claims 1-5, 9-11 and 13-17 read on the above elected species. Applicants reserve the right to file one or more divisional applications directed to the subject matter of the non-elected species.

Favorable consideration of the subject application is respectfully requested.

In the event this paper is not timely filed, the undersigned hereby petitions for an appropriate extension of time. The fee for this extension may be charged to Deposit Account No. 01-2395, along with any other additional fees which may be required with respect to this response.

Respectfully submitted,

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